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Products harmful to health and the environment

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 39/229, in which the Secretary-General was requested to report every three years, through the Economic and Social Council, on products harmful to health and the environment, including the review of the publication of the Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. The List, containing restrictive regulatory decisions on chemicals and pharmaceuticals, is prepared based on information already available in bodies of the United Nations system, as part of an effort to disseminate information internationally on products harmful to health and the environment.

The report provides an overview of activities undertaken by United Nations entities and other major developments in the area of environmentally sound management of chemicals since the previous triennial review in 2004. It also contains recommendations for consideration by the Economic and Social Council.

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I. Introduction

1. The issue of products harmful to health and the environment was first discussed by the General Assembly in 1979. In its resolution 37/137, the Assembly requested the Secretary-General to prepare a Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments[1] on the basis of the work already being undertaken within the United Nations system. In its resolution 39/229, the Assembly decided, inter alia, that an updated Consolidated List should be issued annually and that the data should be made available to Governments and other users through direct computer access. In accordance with that decision, the format of the List has been kept under continued review, in cooperation with the relevant organs, organizations and bodies of the United Nations system, with a view to its improvement, taking into account its complementary nature, the experience obtained and the views expressed by Governments. In the same resolution the Assembly also requested the Secretary-General to inform the Assembly, at its forty-first session and every three years thereafter, through the Economic and Social Council, on the implementation of the aforementioned resolutions.

2. In response to its resolution 2001/33, in which the Council requested the Secretary-General to look into the possibility of using online dissemination, in addition to preparing it for printing, List data was posted on the website of the Office for Economic and Social Council Support and Coordination of the Department of Economic and Social Affairs in September 2003. In its most recent resolution concerning the List, 2004/55, the Council requested the Secretary-General to continue to update the electronic version of the Consolidated List, while printing only new data to complement previously printed issues for the benefit of those, particularly in developing countries, who may not have easy access to the electronic version.

3. The present report, covering the eighth triennial review of the Consolidated List, is prepared in compliance with the aforementioned and other relevant resolutions of the General Assembly (38/149 and 44/226) and of the Economic and Social Council (1998/41, 2001/33 and 2004/55). It provides an overview of major recent developments, reported by organizations of the United Nations system, regarding products that are harmful to human health and the environment, and makes proposals regarding the possible impact of those developments on the format, content, coverage, production schedule and distribution pattern of the List.

II. Review of the Consolidated List

A. Format, scope and content

4. Continuous review of the format and content of the Consolidated List have made it possible to expand its coverage and scope. While the List, pursuant to General Assembly resolution 37/137, has remained easy to read and understand, the number of products listed and the number of Governments reporting have increased

[1] See A/41/329-E/1986/83, A/44/276-E/1989/78, A/47/222-E/1992/57, A/50/182 and Corr.1-E/1995/66 and Corr.1, A/53/156-E/1998/78, A/56/115 and Corr.1-E/2001/92 and Corr.1 and A/59/81-E/2004/63.

regularly with each new issue. Thus, whereas the first issue of the List covered fewer than 500 products (both pharmaceuticals and chemicals) regulated by 60 Governments, the two most recent issues (one containing pharmaceuticals and the other, chemicals) together contain over 1,100 products regulated by 115 Governments.

5. The scope of information contained in the List has remained essentially the same over the years. The List is divided in two parts. Part I, compiled by the United Nations, the World Health Organization (WHO) and the United Nations Environment Programme (UNEP), contains the text of restrictive regulatory decisions taken by competent national authorities on both pharmaceutical (monocomponents, combinations and groups) and chemical (agricultural and industrial) products. Consumer products have been included only when they are hazardous because of their chemical composition. Psychotropic and narcotic substances covered by international conventions are included only in cases where a country has notified WHO either that the substance is controlled more rigorously than is provided for under the relevant international conventions or that the substance has been subjected to national control before being considered for international scheduling. The List does not include many widely used industrial chemicals to which occupational exposure limits have been assigned by national authorities. Information on those products is available in publications of the International Labour Organization (ILO).[2] Similarly, relevant information on food additives, which fall outside the scope of the List, is considered by the Food and Agriculture Organization of the United Nations (FAO)/WHO Codex Alimentarius Commission.[3] The regulatory information in the List also includes references to the relevant legal and statutory documents to enable the user to ascertain the legal context and scope of the regulations. There are, in addition, bibliographic references to scientific and technical studies by international organizations relating to chemical products. The List also includes an alphabetical and classified listing by use category of products, and three indexes: scientific and common names, trade/brand names and Chemical Abstract Service registry numbers.

6. WHO regularly provides explanatory comments regarding information on related national regulatory actions taken concerning most pharmaceutical products. Those comments contain useful information reflecting the position of Governments on their regulatory actions in the light of different national priorities, providing context for those actions. UNEP and the International Programme on Chemical Safety, however, are not able to provide similar comments on regulatory actions related to chemicals, because of the large number of products in which the chemicals appear and the many applications of those products. Nevertheless, in the case of pesticides and chemicals covered under the conventions, decision guidance documents, prepared by the Convention secretariats, provide detailed information, including summaries of risk and benefits and reasons for regulatory action.

7. Part II of the Consolidated List contains commercial information relating to a large proportion of the products included in Part I. The commercial data is compiled by the United Nations Secretariat from publicly available sources and includes information on the manufacturers of the products and the generic and, if available, proprietary trade names under which they are marketed worldwide. Only the name

[2] See http://www.ilo.org/public/english/protection/safework/standard.htm#cr_specrisk.

[3] See http://www.codexalimentarius.net.

and location of the parent company are included in the List, even when the actual producer is a subsidiary located in another country. An effort is made to verify collected commercial data with the respective manufacturer before printing the List.

8. Recognizing that all pharmaceutical and chemical products are potentially harmful if not correctly used, it is worthwhile to highlight a number of considerations that may affect the contents of the Consolidated List, such as: (a) the fact that decisions taken by a limited number of Governments on a specific product may not be representative of the policy position of other Governments, particularly in view of differing risk/benefit considerations; (b) the fact that a given product is not included in the List as regulated by a country does not necessarily mean that its use is permitted in that country; rather, it may mean that the relevant regulatory decision to prohibit its use has not yet been communicated to the United Nations, WHO or UNEP; and (c) in the case of pharmaceuticals and pesticides, which are frequently subject to compulsory registration procedures, the product may not have been submitted for registration.

9. As previously noted, information on pharmaceutical products included in the List is provided by WHO, which collects and disseminates it through various exchange mechanisms, among them: (a) the international drug monitoring programme, which collaborates in monitoring suspected adverse drug reactions with the aim of identifying, at the earliest possible moment, the possibility of a drug producing undesirable effects which were not detected during its clinical trials; (b) the WHO certification scheme on the quality of pharmaceutical products moving in international commerce, through which the exporting country is required to certify, on request, the quality control standards for drugs; and in the case of a product not authorized for sale or distribution in the exporting country, the reasons are explicitly stated and, when relevant, grounds for refusal are disclosed; (c) WHO drug information circulars, containing information received from Member States on the safety and efficacy of drugs, including any decision to prohibit or limit the availability of a drug already in use, any decision to refuse the approval of a new drug and any approval when accompanied by restrictive provisions.

10. Information on a considerable number of chemical products and related data included in the Consolidated List have been provided by UNEP from a variety of sources, especially the legal file of the International Register of Potentially Toxic Chemicals and submissions made under the original voluntary prior informed consent procedure. In 1995, however, UNEP ceased updating the legal file. In 1998, when the original voluntary prior informed consent procedure was superseded by the interim procedure, operated in accordance with the provisions of the Rotterdam Convention, it became apparent that virtually all the notifications of bans or severe restrictions previously submitted under the original procedure did not meet the new information requirements, as set out in annex I to that legally binding Convention. Consequently, the Convention secretariat considers as valid only those notifications of bans or severe restrictions that meet the requirements of the Convention. Notwithstanding that the number of products covered under the Convention is still rather limited, it would be useful to continue to provide information on identified restricted products through the List, until the Rotterdam Convention review process can take a decision on the inclusion of many of those products.

11. In connection with the asymmetry between the small number of chemical products currently covered under the chemicals conventions (Rotterdam and

Stockholm) and the large number of chemical products that are included in the Consolidated List (over 500), it is worthwhile to mention that it will take longer to add new products under the conventions, with their legally binding mandates, their focus on specific products and their strict criteria for the inclusion of new products, including detailed documentation. However, the List is an instrument mandated by the General Assembly in its resolution 37/137, and others, with the primary responsibility of disseminating information available within the United Nations system on products harmful to health and the environment on which regulatory actions have been taken by Governments, to as wide an audience as possible.

12. It is also important to note that summaries of notification of regulatory action received by the Rotterdam Convention secretariat, if not satisfying all elements of the criteria specified in annex I to the Convention, are not published; only limited information is circulated. Irrespective of the decision of the Convention secretariat, those notifications are deemed to be valid within respective issuing countries and thus considered for inclusion in the List.

B. Utilization and dissemination

13. In view of the growing amount of data included in the List, at the 1996 inter-agency consultative meeting it was decided to divide the single annual issue into two, to be printed in alternate years, containing chemical and pharmaceutical data. Dividing the List into two separate issues has aided not only in the handling of large and growing databases, but also has made it possible to print the number of copies according to the needs of each group of users, thereby facilitating the distribution of the publication to a more focused group of users every year.

14. The List continues to present, in a unified manner, information available in bodies of the United Nations system on restrictive regulatory decisions taken by Governments on a range of pharmaceutical and chemical products. As such, it is a recognized source of valuable information that enables Governments to ensure access to information that may be useful in taking appropriate regulatory measures for the use of pharmaceutical and chemical products in the light of their particular national circumstances. The provision of information on the trade names under which the products are marketed adds value to the List and makes it easier for national authorities and others monitoring such activities to identify a restricted product available in a local market. The identification of a product with its manufacturer also provides access to safety data sheets and other information available from the manufacturer. In addition, commercial data provides an easy method to cross-reference trade names with recognized common scientific names under which most regulatory information is available. Other users of the List include intergovernmental organizations, academic institutions, concerned non-governmental organizations, the media and other members of civil society. The List has proved to be an important tool for public interest and consumer groups because it brings to the attention of Governments and manufacturers the need to remove hazardous products from the marketplace and raises awareness among public officials and non-governmental organizations of the health-related effects of using certain products.

15. As mentioned previously, in compliance with Economic and Social Council resolution 2001/33, in which the Council requested the Secretary-General to look

into the possibility of online dissemination of the List, the eighth issue of the List, containing complete historical data on pharmaceuticals, was the first to be printed as well as posted on the website of the Office of Economic and Social Council Support and Coordination of the Department of Economic and Social Affairs, in September 2003.

16. Since then, two issues, containing the most recent data available on chemicals and pharmaceuticals, have been posted on the Internet and a short version of each has been published containing only information arising or updated since the publication of the respective previous issue. The short version is printed for the benefit of those users, particularly in developing countries, who may not have easy access to the Internet, or those who would like to continue to receive the printed publication for reasons of their own. It is recommended that the short version be used in conjunction with the previous printed issues of the List.

17. Starting with the second issue of the Consolidated List, a questionnaire has been included for the purpose of assisting the Secretariat to determine the use to which it is being put. The List continues to play an important role in facilitating information and decision-making concerning products that are restricted in some countries but still available in others.

III. Developments since the previous triennial report

A. International cooperation mechanisms and chemical conventions

18. Since the adoption of Agenda 21, by the United Nations Conference on Environment and Development,[4] the work of the organizations of the United Nations system has reflected the preoccupation with the environmentally sound management of toxic chemicals. The current work on products harmful to health and the environment is based generally on the principles indicated in chapter 19 of Agenda 21, which encourages increased national and international efforts. The International Programme on Chemical Safety[5] was designated as the nucleus for international cooperation. Chapter 19 calls also for increased coordination of United Nations bodies and other international organizations involved in the assessment and management of chemicals. That has led to the establishment of two new coordination mechanisms, the Inter-Organization Programme for the Sound Management of Chemicals and the Intergovernmental Forum on Chemical Safety, to strengthen coordination at the international level.

19. In September 2002, the World Summit on Sustainable Development[6] adopted the Johannesburg Plan of Implementation,[6] which reflected renewed commitments to the sound management of chemicals and included some new commitments and targets, such as (a) the aim to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health

[4] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[5] See http://www.who.int/pcs.

[6] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

and the environment; (b) the development, by 2005, of a strategic approach to international chemicals management; (c) national implementation of the new globally harmonized system of classification and labelling of chemicals, to be fully operational by 2008; (d) the entry into force of the Rotterdam and Stockholm Conventions, by 2003 and 2004, respectively; (e) the development of coherent and integrated information on chemicals, such as through national pollutant release and transfer registers; (f) the reduction of risks posed by heavy metals; and (g) issues related to hazardous waste. The World Summit provided fresh impetus to the ongoing work of the relevant organizations of the United Nations system and intergovernmental processes concerned with the environmentally sound management of chemicals. A brief summary of the activities undertaken by some of those mechanisms since the previous report of the Secretary-General is provided below.

1. Inter-Organization Programme for the Sound Management of Chemicals

20. The Inter-Organization Programme for the Sound Management of Chemicals[7] was established in 1995, in response to the Rio Summit, to serve as a mechanism to coordinate the efforts of intergovernmental organizations in the assessment and management of chemicals. It provides a forum for its seven member and two observer organizations[8] to collaborate as partners in the promotion of international work related to the environmentally sound management of chemicals, within the framework of their own respective mandates. The Intergovernmental Forum on Chemical Safety carries out a number of activities related to the safety of chemicals as a contribution to the Inter-Organization Programme for the Sound Management of Chemicals.

21. An Inter-organization Coordinating Committee brings together representatives of the participating organizations of Inter-Organization Programme for the Sound Management of Chemicals for consultations on the planning, programming, implementation and monitoring of their activities. The Committee has established coordinating groups, which enable interested organizations working in those areas to discuss ways and means of ensuring that their activities are mutually supportive, to monitor progress and to identify issues of concern. Those coordinating groups have dealt with such issues as the harmonization of chemical classification systems; information exchange on chemicals; pollutant release and transfer registers; assessment of existing chemicals; chemical accident prevention, preparedness and response; and identification and management of stockpiles of obsolete pesticides and other chemicals. The Committee has direct responsibility for the coordination of the capacity-building activities of the participating organizations.

2. Intergovernmental Forum on Chemical Safety

22. In 1994, the International Conference on Chemical Safety established the Intergovernmental Forum on Chemical Safety.[9] The Forum brings together public

[7] For further information, see http://www.who.int/iomc.

[8] FAO, ILO, Organization for Economic Cooperation and Development, UNEP, United Nations Industrial Development Organization, United Nations Institute for Training and Research and WHO, and two observer organizations, United Nations Development Programme and the World Bank.

[9] See http://www.who.int/ifcs.

and private stakeholders, including Governments, intergovernmental bodies, non-governmental organizations and other representatives of civil society, in efforts to arrive at policy guidance and strategies to build partnerships and enhance coordination in the promotion of chemical safety. The Forum, a non-institutional organization, has held five sessions since its inception.

23. At its first session, in 1994, the Forum adopted priorities for action for the effective implementation of the programme areas set out in chapter 19 of Agenda 21. In Ottawa in 1997, at its second session, the Forum provided further recommendations to the General Assembly, at its special session in 1997, for the review of progress in the implementation of Agenda 21. The third session, in 2000, adopted the Bahia Declaration and Priorities for Action beyond 2000.

24. The fourth session, which was held in Bangkok in 2003 under the theme "Chemical safety in a vulnerable world", focused on the topics of children and chemical safety, occupational safety and health, generation and availability of hazard data, acutely toxic pesticides and capacity-building, and adopted resolutions and made recommendations on (a) a globally harmonized system for the classification and labelling of chemicals; (b) the prevention of illegal international traffic in toxic and dangerous products; and (c) a strategic approach to international chemicals management.

25. The fifth session, held in Budapest in September 2006, under the theme "Chemical safety for sustainable development", considered issues including precaution, heavy metals, toys and chemical safety and the future of the Forum. It identified a series of potential next steps to assist developing countries and countries with economies in transition with tools and approaches to applying the precautionary approach in the domestic decision-making processes. The Budapest Statement on Mercury, Lead and Cadmium was issued, which combines the possibility of strengthening the use of voluntary instruments for those three heavy metals and the opportunity to consider a legally binding instrument for mercury to address the risks it poses to human health and the environment. In the light of the final agreement reached on the Strategic Approach to International Chemicals Management (see paras. 36-42), a working group was established to prepare a draft decision on the future role and functions of the Intergovernmental Forum on Chemical Safety to avoid duplication and to achieve an efficient institutional assessment that maximizes synergies and cost effectiveness. The decision will be presented to the sixth session, which will take place in Dakar, probably in 2009.

3. Persistent organic pollutants (Stockholm Convention)

26. Persistent organic pollutants,[10] attracted attention owing to evidence that exposure to very low doses can pose a risk to human health and the environment. In 1997, after assessing available information and concluding there was a need for international action, the Governing Council requested that UNEP convene an Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants, beginning with the 12 specified persistent organic pollutants.[11] The

[10] See http://www.chem.unep.ch/pops.

[11] Nine pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; two industrial chemicals: hexachlorobenzene and polychlorinated biphenyls; and two unintended by-products: dioxins and furans.

Committee held five sessions from 1998 to 2000 to conclude negotiations on a convention (the Stockholm Convention), which was signed in May 2001 and entered into force on 17 May 2004.

27. The Convention called for international action on 12 persistent organic pollutants in three categories: pesticides, industrial chemicals and unintended by-products. Governments were asked to promote the best available techniques and best environmental practices to replace existing persistent organic pollutants and prevent the development of new ones. Criteria and procedures have been developed to identify other such chemicals. Other key elements of the Convention included the provision by developed countries of new and additional financial resources; control measures to eliminate the production and use of intentionally produced persistent organic pollutants; the elimination of unintentionally produced persistent organic pollutants, where feasible; environmentally sound management and disposal of persistent organic pollutant wastes; and substitution involving the use of safer chemicals and processes to prevent toxic by-products.

28. The first Conference of the Parties to the Stockholm Convention, which was held in Punta del Este, Uruguay, in May 2005, decided on the evaluation of the continued need for DDT use for disease vector control and established: (a) a review process for entries in the register of specific exemptions; (b) a reporting schedule; (c) arrangements for monitoring data on persistent organic pollutants; and (d) a review committee. It adopted guidelines for the financial mechanism, rules of procedures, financial rules and a budget for the secretariat.

29. The second Conference was held in Geneva, from 1 to 5 May 2006. It adopted 18 decisions on, inter alia, DDT, exemptions, financial resources and mechanisms, implementation plans, technical assistance, synergies and effectiveness evaluation. The third Conference was scheduled to take place in April and May 2007, in Dakar.

30. The first meeting of the Persistent Organic Pollutants Review Committee was held in November 2005, in Geneva, and considered five chemicals proposed for inclusion in the Convention. The Committee agreed that all five chemicals fulfilled the criteria for inclusion and asked the parties to submit information to develop risk profiles. The second Review Committee meeting, held in November 2006, also in Geneva, approved the risk profiles and agreed that the five new proposals submitted for consideration fulfilled the criteria for inclusion.

4. Prior informed consent (Rotterdam Convention)

31. As a result of continuous collaboration that began in 1989 between FAO and UNEP on the principle of prior informed consent,[12] the Conference of Plenipotentiaries, held in the Netherlands on 10 September 1998 adopted the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Convention was signed by 72 States and one regional economic integration organization and entered into force on 24 February 2004. UNEP and FAO were jointly designated as the secretariat for the Convention.

32. The objective of the Convention is to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous

[12] See http://www.pic.int.

chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use by facilitating information exchange about their characteristics, thereby providing for a national decision-making process on their import and export and disseminating such decisions to the parties. The Convention applies to banned or severely restricted chemicals or pesticides and also includes severely hazardous pesticide formulations that are not otherwise banned or severely restricted by the Convention. It originally covered 27 products,[13] including 17 pesticides, 5 severely hazardous pesticide formulations and 5 industrial chemicals. A total of 39 chemicals are currently subject to the interim prior informed consent procedure, 28 pesticides including severely hazardous pesticide formulations and 11 industrial chemicals.

33. After reviewing notifications of the final regulatory actions to ban or severely restrict 14 chemicals, at its first session, in Geneva in February 2005, the Chemicals Review Committee of the Convention concluded that only one notification on chrysotile asbestos met the information requirement for inclusion in annex III of the Convention and established a workplan for the preparation of a decision guidance document for chrysotile asbestos.

34. The second Conference of the Parties to the Rotterdam Convention, held in Rome in September 2005, adopted 15 decisions on, inter alia: the programme of work and the budget for 2006; operational procedures of the Chemicals Review Committee; the final decision by UNEP and FAO regarding the provision of the secretariat; pilot projects on the delivery of regional technical assistance; and cooperation and synergies between the Basel, Rotterdam and Stockholm Convention secretariats. At its second meeting, in Geneva in February 2006, the Chemicals Review Committee of the Convention discussed risk evaluations and trade restrictions under other multilateral environmental agreements and their relevance to chemicals eligible for inclusion in the Convention. The Committee agreed on the draft text of the decision guidance document for chrysotile asbestos, and that endosulfan and tributyl tin compounds had met the requirement for inclusion. It started work on drafting decision-guidance documents and agreed also that once the second notification had been received, as required, alachlor, mirex, cyhexatin and dicofol would meet the requirement for inclusion and that the decision-guidance documents would be drafted for those chemicals.

35. The third Conference of the Parties to the Rotterdam Convention was held from 9 to 13 October 2006, in Geneva. It considered several reports and adopted 16 decisions, including those concerning a programme of work its 2007-2008 budget, the inclusion of chrysotile asbestos, financial mechanisms, non-compliance and cooperation and coordination among the secretariats of the chemicals conventions. The Conference deferred a decision on the inclusion of chrysotile asbestos and did not reach an agreement on the finalization of procedures and mechanisms to address non-compliance with the Convention, owing to a lack of consensus on both issues.

[13] They are 17 pesticides (2, 4, 5-T, aldrin, captafol, chlordane, chlordimeform, chlorobenzilate, DDT, dieldrin, dinoseb and dinoseb salts, EDB (1, 2-dibromoethane), fluoroacetamide, HCH (mixed isomers), heptachlor, hexachlorobenzene, lindane (gamma-HCH), mercury compounds and pentachlorophenol), 5 severely hazardous pesticide formulations (methamidophos, methylparathion monocrotophos, parathions and phosphamidon) and 5 industrial chemicals (crocidolite, polybrominated biphenyls, polychlorinated biphenyls, polychlorinated terphenyls and Tris (2, 3-dibromopropyl) phosphate), which were originally included in the Convention in September 1998.

However, progress was made on important policy and operational issues, including sustainable financing and capacity-building, and synergies on cooperation and coordination among the secretariats of the chemicals conventions. At its third meeting, in Rome from 20 to 23 March 2007, the Chemicals Review Committee recommended two more pesticides, endosulfan and tributyl tin compounds, for inclusion in the prior informed consent procedure under the Convention. The fourth Conference of the Parties will take place in Rome, in October 2008, to decide, inter alia, whether to accept the recommendations of the Committee.

5. Strategic approach to international chemicals management

36. The initiative of UNEP to develop a Strategic Approach to International Chemicals Management,[14] based on the Bahia Declaration on Chemical Safety and on the Priorities for Action beyond 2000 adopted by the Intergovernmental Forum on Chemical Safety, was endorsed by the World Summit on Sustainable Development. The Johannesburg Plan of Implementation called for the completion of the process by 2005, in order to achieve effective management of risks throughout the life cycle of production, use and disposal of chemicals, by 2020. The key feature of the process was its engagement of all sectors of society with an interest in chemical safety, including the environment, health, agriculture, labour, industry and development.

37. In February 2003, the UNEP Governing Council endorsed the concept of an international conference, with preparatory meetings, as the basis for developing such an approach through an open, transparent and inclusive process. Both the World Health Assembly, in May 2003, and the International Labour Conference, in June 2003, supported the process. The Intergovernmental Forum on Chemical Safety, at its fourth session, discussed the subsequent development of a Strategic Approach and forwarded a report to the first meeting of the Preparatory Committee.

38. The first meeting of the Preparatory Committee was held in Bangkok, in November 2003. It discussed potential issues to be addressed and examined ways to structure the discussion and considered possible outcomes of the process. There was broad support for a three-tiered process towards a Strategic Approach: a global programme of action with targets and timetables; an overarching policy strategy; and a high-level declaration. The second Strategic Approach to International Chemicals Management Preparatory Committee meeting, which took place in October 2004 in Nairobi, discussed elements for an overarching policy strategy for international chemicals management, made progress in creating a matrix of possible concrete measures to include in the global plan of action and provided comments on an initial list of issues for a high-level political declaration. The third meeting of the Strategic Approach to International Chemicals Management Preparatory Committee was held in Vienna, in September 2005, where the same three issues, high-level declaration, overarching policy strategy and a global plan of action, were discussed, but agreement could not be reached on several aspects of all three areas, including principles and approaches, description of the Strategic Approach as "voluntary", financial considerations and the timing and frequency of future sessions of the International Conference on Chemicals Management.

[14] See http://www.chem.unep.ch/saicm.

39. The International Conference on Chemicals Management was held in February 2006, in Dubai, United Arab Emirates. Delegates at the Conference, after discussing issues pending from the third meeting of the Preparatory Committee, agreed on a compromise text. The core disagreement was over the application of the precautionary approach to chemicals management and new and additional resources for the implementation of the Strategic Approach. The Conference, after completing negotiations, adopted the Strategic Approach to International Chemicals Management, including a high-level declaration, overarching policy strategy and a global plan of action. The implementation of the plan, which included activities with targets and timetables, if widely applied would make a significant contribution towards the achievement of the 2020 targets set in the Johannesburg Plan of Implementation of the World Summit on Sustainable Development. UNEP was given overall administrative responsibility for the Strategic Approach to International Chemicals Management secretariat, in coordination and/or cooperation with Inter-organization Programme for the Sound Management of Chemicals member organizations, the United Nations Development Programme and other intergovernmental organizations.

40. The United Nations Institute for Training and Research (UNITAR), in cooperation with other bodies, organized a workshop on governance in relation to implementing the Strategic Approach at the national level, in Geneva in June 2006. The overarching policy strategy of the Strategic Approach to International Chemicals Management provides that each Government should establish arrangements for implementing the Strategic Approach and should designate a Strategic Approach focal point to facilitate communication, both nationally and internationally. The Strategic Approach to International Chemicals Management secretariat invited Governments to designate a national focal point and, as at November 2006, over 100 had been nominated. Canada had proposed a project to develop guidance for the secretariat, in consultations with stakeholders, to assist in the development of reporting modalities, as its contribution to the Strategic Approach. The project will address the preparation of a baseline report, the development of indicators for subsequent progress reports and arrangements for gathering information from stakeholders.

41. The regional meetings called for in the overarching policy strategy by the International Conference on Chemicals Management, in its resolution 1/1, are a key element in the collective efforts to start the implementation process. Following the adoption of the Strategic Approach to International Chemicals Management, its secretariat had organized, in collaboration with Governments, four regional meetings (in Cairo, Barcelona, Spain, Riga and Bangkok). Those meetings provided a forum to discuss strategic priorities, share technical experience and exchange information crucial to regions' efforts to implement the Approach. They help in drafting regional action plans, in drawing terms of reference of regional core groups and regional focal points, in selecting regional representatives for the Quick Start Programme Executive Board and in developing regional projects that could be considered for funding under the Quick Start Programme trust fund.

42. The overarching policy strategy on financial considerations provided that initial capacity-building activities for the implementation of the objectives of the Approach would be supported by the establishment of the Quick Start Programme, which would contain a voluntary, time-limited trust fund, administered by UNEP. The objective was to support initial enabling capacity-building and implementation

activities in developing countries, least developed countries, small island developing States and countries with economies in transition. The secretariat is developing a business plan or resource mobilization strategy to help secure the sustainability of the Programme.

B. Other developments

Globally Harmonized System of Classification and Labelling of Chemicals

43. The ongoing work to harmonize the classification and labelling of chemicals was brought under the auspices of the Inter-organization Programme for the Sound Management of Chemicals Coordinating Group for the Harmonization of Chemical Classification Systems, with the Organization for Economic Cooperation and Development in Europe, ILO and the Subcommittee of the United Nations Committee of Experts on the Transportation of Dangerous Goods as active members. It was created in 1999, when the Economic and Social Council broadened the mandate of the main Committee. The Globally Harmonized System was adopted by the Subcommittee in December 2002, and endorsed by the Council in 2003. The System is now being implemented by countries as called for in the Johannesburg Plan of Implementation, to be fully operational by 2008. The UNITAR/ILO/Inter-organization Programme for the Sound Management of Chemicals Globally Harmonized System capacity-building programme has developed partnership activities and is providing support to assist countries to develop and implement the System to achieve the 2008 target.

Heavy metals: mercury, lead and cadmium

44. Based on the work carried out by the Global Mercury Assessment Working Group at its twenty-third session, the Governing Council requested the Executive Director of UNEP to prepare a report for submission to its next session on supply, trade and demand for mercury on the global market, and also to facilitate the establishment of partnerships between Governments and other stakeholders, as one approach to reduce risks to human health and the environment from mercury, and to assist in the mobilization of resources to support those partnerships. The decision also encouraged Governments, intergovernmental organizations, non-governmental organizations and the private sector to take immediate action to reduce the risks to human health and the environment posed on a global scale by mercury in products and production processes. The Governing Council decided also to assess the need for further action on mercury, including the possibility of a legally binding instrument, partnerships and other actions, at its next session, in 2007. On lead and cadmium, the Governing Council requested to undertake a review of scientific information, focusing on long-range environmental transport, and to continue future discussions on the need for global action on lead and cadmium.

45. At its twenty-fourth session, the UNEP Governing Council, acknowledging the progress made within the mercury programme, outlined priorities in reducing risks from releases of mercury, urged Governments to gather information on means to reduce the risk caused by the supply of mercury and requested the UNEP Executive Director to prepare a report on mercury emissions and ways to strengthen mercury partnerships. The Governing Council established an ad hoc open-ended working group of Government and stakeholder representatives to review and assess options

for enhanced voluntary measures and new or existing international legal instruments, and asked the group to provide a final report at its next session in 2009, for a decision on the matter. At the same session, the Governing Council urged stakeholders to fill gaps regarding lead and cadmium, encouraged Governments to reduce risks posed to human health and the environment and requested the Executive Director of UNEP to compile an inventory of existing risk management measures.

Multilateral environmental agreements

46. Since 1997, the Committee on Trade and Environment of the World Trade Organization has been holding annual information sessions on multilateral environmental agreements, at which the secretariats of agreements, including those of the Stockholm and Rotterdam Conventions, have given presentations on various trade-related aspects of their work, including technical assistance, capacity-building and information exchange. The sessions were intended to enhance understanding of, in particular, compliance mechanisms and dispute settlement provisions in the agreements and in the rules of the World Trade Organization. Of approximately 200 such agreements, about 20, including the Rotterdam and Stockholm Conventions, contain trade-related provisions. In 2001, the Doha Ministerial Declaration[15] mandated, among other measures, (a) negotiations on the relationship between existing World Trade Organization rules and specific trade obligations set out in the agreements, and (b) procedures concerning the regular exchange of information among agreement secretariats and the relevant World Trade Organization committees and the criteria for the granting of observer status. The importance of technical assistance and capacity-building was recognized in the area of trade and environment and exchange of expertise and experience was encouraged on national environmental reviews.

47. The Committee on Trade and Environment, through its special sessions, has been conducting negotiations on those issues and some progress was reported at the Fifth World Trade Organization Ministerial Conference, held in Cancun, Mexico, in September 2003. There was general agreement that existing forms of cooperation and an exchange of information between the World Trade Organization and multilateral environmental agreements had proved to be valuable and should be enhanced. The Committee had invited some agreement secretariats, on an ad hoc basis, to its two special sessions in 2003, and hope was expressed that the cooperation would continue. Following the resumption of the Doha Round, the Committee, at its special session held on 1 and 2 March 2007, considered a proposal by the United States of America on information exchange between agreement secretariats and relevant World Trade Organization committees. The proposal also addressed the issue of the observer status of multilateral environmental agreements in other World Trade Organization committees. The United States also proposed granting seven secretariats permanent, rather than the current ad hoc, observer status for the remainder of the Doha Round. At the following meeting of the Committee on Trade and Environment special session, which was held on 3 and 4 May 2007, a Canadian proposal on the observer status of agreements in the World Trade Organization was formally presented, which seeks to bridge the gap among various proposals on the issue within organization proceedings.

[15] See A/C.2/56/7, annex.

IV. Future trends and emerging issues

48. In addition to the entry into force of the Stockholm and the Rotterdam Conventions, in 2004, the adoption of the Strategic Approach to International Chemicals Management, in February 2006, provided real impetus to the World Summit on Sustainable Development aim of ensuring that, by 2020, chemicals will be used and produced in ways that minimize significant adverse effects on human health and the environment. It has also emphasized the wide gap that exists between developed and developing countries' ability to implement chemicals management policies. Any meaningful progress towards chemicals management at the national level will ultimately depend on the provision of technical assistance and capacity-building in developing countries, which will require additional financial resources (both domestic and foreign) to support national efforts.

49. Ever since the first meeting of the Conference of the Parties to the Rotterdam Convention, in 2004, the issue of synergies within chemicals and waste has been actively explored to improve cooperation among the secretariats of the Basel, Rotterdam and Stockholm Conventions. Those efforts led to the formation of an ad hoc joint working group on enhancing cooperation and coordination among the Conventions, with the mandate to prepare joint recommendations on enhanced cooperation and coordination for submission to their conferences of the parties. At its first meeting, in March 2007, the joint working group reached agreement on a non-exhaustive list of objectives and guiding principles for its future work. It also agreed on three broad categories: (a) activities already under way to enhance cooperation; (b) activities to enhance further administrative and programmatic cooperation and coordination; and (c) activities relating to decision-making and oversight. At that meeting, the working group focused mainly on the activities under (b) and (c) and agreed to revisit the activities under (a). The next meeting of the joint working group will probably be held in December 2007.

50. The European Parliament, after three years of negotiations, adopted a comprehensive law on the manufacturing, marketing, import and use of chemical substances on 18 December 2006. The Regulation concerning the registration, evaluation, authorization and restriction of chemicals aims to protect consumers and the environment from the adverse effects of chemicals found in such products as paint, detergent, cars and computers. Under the Regulation, 30,000 chemicals produced in or imported into the European Union will be registered over the next 10 years with a central agency, to be established in Helsinki. The most hazardous chemicals will be subject to testing, and their use will require authorization. Persistent, bio-accumulative and toxic chemicals will be phased out if suitable alternatives exist. If not, companies will have to submit a plan for the development of such alternatives. The legislation places the burden of proof on the chemicals industry, with the public sector responsible for oversight. Thousands of chemicals that have been in use for years without testing will now undergo screening. The Regulation will enter into force on 1 June 2007.

51. One of the main activities of the United Nations Industrial Development Organization (UNIDO) in fostering the Strategic Approach to International Chemicals Management is the promotion of chemical leasing business models through the worldwide cleaner production network, a service-oriented business model that shifts the focus from increasing sales volumes of chemicals towards a value added approach. The producer mainly sells the functions performed by the

chemical and the functional units are the main basis for payment. UNIDO, in cooperation with others, is presently implementing chemical leasing pilot projects in the Russian Federation, Egypt and Mexico. In this business model, the supplier takes responsibility for the use of the chemical, its recycling and its treatment and disposal. The results of the pilot projects are very encouraging and have demonstrated that chemical leasing is a win-win situation, in which chemicals are used more efficiently and risks to human health and the environment are reduced.

V. Conclusions and recommendations

52. There are thousands of chemicals available on the market and hundreds more are added each year, which poses a huge challenge for Governments, especially in developing countries, related to the monitoring and management of potentially dangerous substances that are essential in the everyday lives of their citizens. Generally, in the past, a piecemeal approach had been employed in dealing with the management of hazardous products. However, with the life-cycle management approach, which aims to achieve an effective management of risks throughout the life cycle of a chemical, from production and use to the treatment and disposal of waste, as the cornerstone of the Strategic Approach to International Chemicals Management process, Member States must fully implement national development strategies consistent with the Approach to achieve the 2020 targets, as endorsed by the World Summit on Sustainable Development.

Recommendation 1

53. **The Economic and Social Council may wish to recommend that Member States fully implement national development strategies to achieve the 2020 target on the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment.**

54. Recent positive developments in the environmentally sound management of hazardous chemicals, through the implementation of the Rotterdam and Stockholm Conventions and the adoption of the Strategic Approach to International Chemicals Management, in 2006, all point to the overwhelming need for technical assistance and capacity-building in order for developing countries not only to comply with existing international mechanisms, but also to make further progress at the national level in the area. The expansion of capacity-building activities will be contingent upon the availability of substantial new financial resources to support national activities in the management of products harmful to health and the environment.

Recommendation 2

55. **The Council may wish to recommend to multilateral and bilateral agencies the continuation of the strengthening of capacity-building and technical assistance activities in developing countries and to urge donor agencies to provide additional financial resources in support of national efforts to improve the environmentally sound management of toxic chemicals.**

56. The Rotterdam Convention has put an effective system in place to avoid many of the dangerous practices of the past decades, when people were less aware of the dangers of toxic chemicals. The Convention offers parties, particularly in

developing countries, the tools they need to protect their citizens and strengthen their management of chemicals. They can now decide which potentially hazardous chemicals they want to import and which to exclude because they cannot manage them safely. Also, in the light of the additional information available, electronically and otherwise, under other chemicals conventions, such as the Stockholm and Basel Conventions, the publication of the List is redundant, although as noted in the recommendations in his report on the review of mandates, the Secretary-General considered that over the years the List had served its purpose very well.

Recommendation 3

57. **The Council may wish to consider recommending the elimination of the mandate of regularly updating the List, as contained in General Assembly resolution 37/137.**